

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BDRN, LLC, BDRN PHARMACY, LLC, and JOHN
DOE,

Civil Act. No.: 15-cv-804(NSR)

**DECLARATION OF
MATTHEW KLEIN**

**DOCUMENT
ELECTRONICALLY FILED**

Plaintiff,

-against-

UNITEDHEALTHCARE OF NEW YORK, INC.,
UNITEDHEALTHCARE INSURANCE COMPANY
OF NEW YORK, and OPTUMRX, INC.,

Defendants.

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MATTHEW KLEIN, pursuant to 28 U.S.C. §1746(2), declares under penalty of perjury the
following:

1. I am employed by United HealthCare Services, Inc. as a Deputy General Counsel. As part of my duties, I am responsible for reviewing business records regularly created and maintained by the Defendants in this action and their affiliates, including Oxford Health Insurance, Inc. ("Oxford"). In my position, I review records related to pharmacy benefits regularly created and maintained by Defendants in the regular course and scope of their business. I have been provided with a copy of correspondence identifying Plaintiff "John Doe", and as such, I am familiar with the facts set forth herein.

2. This Declaration is respectfully submitted in opposition to Plaintiffs' motion brought by order show cause for a temporary restraining order and preliminary injunction.

3. Annexed hereto as **Exhibit "B"** is a true and correct copy of a letter dated September 30, 2013 from Oxford to Plaintiff John Doe.

4. Annexed hereto as **Exhibit "C"** is a true and correct copy of a facsimile dated

February 3, 2014 with enclosures from the New York State Attorney General's office addressed to United Healthcare/Oxford.

5. Annexed hereto as **Exhibit "D"** is a true and correct copy of the response of United Healthcare/Oxford dated February 5, 2014 to the letter received from the New York Attorney General's office.

6. Annexed hereto as **Exhibit "E"** is a true and correct copy of the letter dated February 11, 2014 with enclosures from BDRN to Oxford, administratively appealing Oxford's denial of benefits for factor drugs from BDRN to plaintiff John Doe.

7. Annexed hereto as **Exhibit "F"** is a true and correct copy of Oxford's letter dated February 27, 2014, setting forth its determination on administrative appeal.

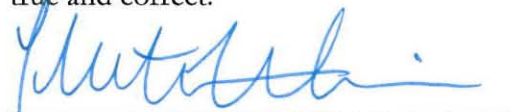
8. Annexed hereto as **Exhibit "G"** is a spreadsheet of the claims for pharmaceutical drugs submitted by or on behalf of Plaintiff John Doe.

9. Annexed hereto as **Exhibit "H"** is a true and correct copy of the letter dated March 25, 2014, without enclosures, to United from BDRN and copied to the New York State Department of Financial Services ("DFS").

10. Annexed hereto as **Exhibit "I"** is a true and correct copy of Oxford's response dated May 23, 2014, without enclosures, to BDRN's complaint filed with the DFS.

Dated: February 17, 2015

I declare under penalty of perjury that the foregoing is true and correct.



Matthew Klein

CERTIFICATE OF SERVICE

I, Michael H. Bernstein, hereby certify and affirm that a true and correct copy of the attached **DECLARATION OF MATTHEW KLEIN** was served via ECF on this 20th day of February, 2015 upon the following:

Joseph Murphy, Esq.
HISCOCK & BARCLAY, LLP
80 State Street
Albany, NY 12207
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JMurphy@hblaw.com
Attorneys for Plaintiff

s/_____
Michael H. Bernstein

Dated: New York, New York
February 20, 2015